

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.3397 OF 2004

Navindra Sadashiv Tawde & Ors. .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.Rajeev Sawant for the applicants.
Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2004

P.C.:

. Heard Mr.Sawant, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. The applicants apprehend their arrest in C.R.No.188/2004 registered at Versova police station under sections 498-A, 406 of Indian Penal Code. The complainant is the wife of applicant no.1. It is alleged that she was subjected to cruelty by all the applicants.

3. Applicants applied for anticipatory bail before the Sessions Court on 9.6.2004. During pendency of the application, efforts were being

made by the Sessions Judge for amicable settlement of the dispute between the applicants and the complainant. The applicants were directed to hand over all the articles belonging to the complainant. Mr.Sawant, learned counsel for the applicants submits that the applicants have returned all the articles except the three articles for which applicant no.1 had kept a cheque of Rs.6,000/- ready to deliver it to the complainant as cost of those articles. On 3.8.2004 the Sessions Court had directed all the applicants to remain present in the court and since the other applicants i.e. applicant nos.2 to 5 did not remain present for the settlement, the Sessions Court rejected the application without recording reasons. It appears that on the earlier occasions all the applicants had appeared before the Sessions Court. I have perused the entire material placed before me. Keeping in view the nature of allegations and the overall facts and circumstances of the case, I am satisfied that the custodial interrogation in the instant case would not be necessary.

. The applicants are directed to be enlarged on bail, in the event of their arrest, in C.R.No.188 of 2004 registered at Versova police

station on their furnishing a personal bond of Rs.5,000/- each with one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned police station, subject to the condition that applicant no.1 shall attend the concerned police station every alternate day for a period of 15 days between 6 pm and 8 pm and thereafter on every Saturday between 6 pm and 8 pm until filing of the chargesheet. Applicant Nos.3 and 4 shall report to the concerned police station on every Wednesday and Saturday between 6 pm and 8 pm for a period of one month and thereafter as and when called by the police. In so far as applicant nos.2 and 5 are concerned they shall report the concerned police station as and when called by the police.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)